



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## Procedure 606 – Impounding Property

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Office(s) with Secondary Responsibilities:	PSC, PNC, TSC, FTC, IDC	Number of Pages:	9
Forms Referenced in Procedure:	Property Disposition Authorization Form SAPD Form #113 SAPD Form #113-2R SAPD Form #113-3	Related Procedures:	505, 607, 807

### .01 INTRODUCTION

- A. This procedure governs the custody and disposition of any property, except motor vehicles, that enters into the possession of the San Antonio Police Department.
- B. The confiscatory and custodial responsibilities of the San Antonio Police Department are used as a basis for any impoundment of property by officers of the Park, Airport and Police Department.

### .02 POLICY

All property coming into the custody or control of any officer, regardless of the classification, is placed in the Property Room no later than the end of the officer's tour-of-duty, unless disposed of in accordance with Section .14 of this procedure or GM Procedure 607, *Impounding Vehicles*.

### .03 TERMINOLOGY (For specific use within this procedure, see Glossary)

Evidence	Extensions	Found Property	Holding Area
Impounding	Personal Property	Property Property Tag	Recovered Property

### .04 PROPERTY ROOM

- A. The Property Room is located at 555 Academic Court.
- B. The Property Room Customer Service Window will be open to the public Monday through Friday from 0745 hrs to 1530 hrs and closed on Saturday and Sunday including City holidays.
- C. Officers have access to secure property and evidence during hours the Property Room is open to the public. During hours when the Property Room is closed, officers can secure property and evidence in the holding area located in the Municipal Court Building at 401 S. Frio Street.

### .05 CLASSIFICATIONS OF IMPOUNDED PROPERTY

Although currency and firearms merit special treatment, impounded property is classified into one of the following categories:

- A. Evidence;
- B. Found property;
- C. Personal property; or
- D. Recovered property.

All reclassifications of impounded property must have prior approval by a supervisor.



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#### **.06 MEMBERS RESPONSIBILITIES WHEN IMPOUNDING PROPERTY**

- A. Members who are authorized to receive or confiscate property only do so if a legitimate police purpose exists.
- B. When impounding property into the Property Room, members will:
  - 1. Complete SAPD Form #113, *Receipt for Property*, in triplicate, for any property received or confiscated from an individual. SAPD Form #113 is routed as follows:
    - a. Original to Records Office;
    - b. A copy to the person from whom the property is taken; and
    - c. A copy to the appropriate investigative follow-up unit.
  - 2. Members attach a copy of a report to the property tag and forward a copy to the appropriate follow-up unit.
  - 3. Refer to GM Procedure 607, *Impounding Vehicles*, for disposition of personal property found in locked vehicles or when impounding vehicles for failure to provide “Proof of Financial Responsibility” (lack of insurance).
  - 4. Send a report to the Medical Examiner's Office for any impounded evidence requiring tests.
  - 5. UEDIs/Crime Scene Unit Investigators will place evidence which is wet or damp with body fluids in the Drying Room, avoiding cross contamination with other evidence (IAW with Patrol/CSI SOP). Officers below the rank of Detective-Investigator impounding this same type of evidence will mark the evidence with biohazard stickers and place it in a locker.
  - 6. Place hypodermic needles in protective containers.
  - 7. Place perishable items in the refrigerator.
  - 8. Fixed blade knives must be covered in cardboard and taped prior to packaging.
  - 9. Currency will be impounded in a “Currency Evidence Bag” with denominations, extensions, total amount and officer's signature noted. The bag will remain sealed from time of impound to final disposition. Property room personnel will NOT verify count.
  - 10. All BIO-HAZ material must be marked with stickers provided.

#### **.07 BARCODING AND PROPERTY TAGS**

- A. Property is impounded using FileOnQ barcode system. This is accessible at the work stations located in the Property Room receiving area.
  - 1. Property “K-Tags” will be used to impound property and evidence (except controlled substance). ***Only when the system is down.***
  - 2. Property “E-Tags” will be used to impound controlled substance. ***Only when the system is down.***
- B. It is an officer's responsibility to ensure access by maintaining an active City Network account. Accounts can be reactivated by contacting ITSD at 207-8888. They are available twenty-four (24) hours a day seven (7) days a week.
- C. Should an officer have difficulty gaining access to the FileOnQ program during normal hours of operation, a Property Room staff member can assist. Should this occur during off hours they will notify the Communications Unit Sergeant at 207-7550.
- D. Instructions for initial log-on to FileOnQ and entering property into the database are available at <http://sapdweb> under “Property Instructions”. All applicable data fields must be completed.



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- E. The following items must have individual barcodes:
  - 1. Narcotics: Each type of narcotic must be represented by an individual barcode. This includes different type narcotics within the same case number.
  - 2. Firearms: Each firearm must be represented by an individual barcode. This includes firearms within the same case number.
  - 3. Currency: Currency must be represented by an individual barcode.
  - 4. Articles: Any item containing a serial number either factory or owner applied.
  - 5. Jewelry: All jewelry and small items of value must be represented by an individual barcode.
- F. If multiple items of one (1) classification of property cannot be secured together, plain manila colored tags will be used to attach the barcodes to the remaining items.
- G. For multiple items of more than one (1) classification of property (i.e., evidence, found, personal) a separate barcode will be created for each classification of property.
- H. When impounding property which is taken from different individuals, a separate barcode is used for the property from each person.
- I. In the event the barcode system is not functioning, officers will complete a K-tag for general property and/or an E-Tag for narcotics. Property Room personnel will key the data when the system returns to normal operation.

#### **.08 SECURING PROPERTY**

- A. All property impounded into the Property Room will be secured in lockers, cages, refrigerators, or safes depending on the type and size of property impounded. In the event locker space is not available, all overflow personal and found property only, will be placed in the overflow container. Property shall never be stored on the processing tables.
  - 1. Firearms shall be secured in lockers.
  - 2. Property too large for lockers will be secured in cages.
  - 3. Property needing to be refrigerated will be secured in refrigerators.
  - 4. Controlled substances will be secured in the narcotics safe.
  - 5. All evidence will be secured with evidence tape provided, when possible.
- B. When any evidence impounded after normal business hours is too large to be placed in a secured container within the Holding Area or the evidence falls under any category listed in Section .14 of this procedure, the officer or Crime Scene Unit investigator shall notify the Communications Unit supervisor and request an off-duty member of the Property Room return to duty to open the Property Room and take charge of the evidence.
- C. When evidence is too large or too heavy to be secured in the Property Room it shall be taken to the Vehicle Storage Unit for secure storage. See Subsection .12G of this procedure for dimensions and weights.

#### **.09 IMPOUNDING FIREARMS**

- A. Officers are responsible for the proper and safe handling of all firearms to be impounded.



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- B. All impounded firearms must have a separate barcode.
- C. Loaded firearms, with the exception of jammed firearms, are not taken into the Property Room.
- D. Officers unfamiliar with the unloading process of a firearm shall contact a supervisor, a Crime Scene Unit investigator, a UEDI, or the Armorer.
- E. Jammed firearms are processed as follows:
  - 1. Place small firearms in an envelope marked “JAMMED – LOADED FIREARMS” and secure it in a small locker. Note the firearm make, model, and serial # on the envelope.
  - 2. Tag large firearms with a plain manila colored tag marked “JAMMED – LOADED FIREARM” and secure in a long locker.

#### **.10 IMPOUNDING CONTROLLED SUBSTANCES**

- A. All narcotics impounded must have a separate barcode. Cases containing several types of controlled substances (i.e., cocaine, methamphetamine, and heroin) require each type have a separate barcode.
- B. A narcotics safe with a deposit-drop entry is used to impound all controlled substances.
- C. Lockers labeled “NARCOTICS” are used to impound controlled substances too large for the safe.
- D. Water and all other fluids of a non-evidentiary nature, such as water contained inside of drug paraphernalia commonly known as, a “bong” or a “water pipe,” will be drained prior to being brought into the Property Room.

#### **.11 USE OF THE AMMUNITION/FIREWORKS STORAGE MAGAZINES AT SUBSTATIONS**

- A. Ammunition/fireworks storage magazines are available at ~~to~~ each substation for officers to impound non-evidence firearms ammunition and fireworks.
  - 1. Substation ammunition/fireworks magazines will be used to store only fireworks and ammunition which are in good condition. No corroded, damaged, improvised, or deteriorated ammunition/fireworks, fuels, powders, explosives, or suspected explosives will be stored within the magazines.
  - 2. There shall be no flames or smoking permitted within the posted (25) feet of substation ammunition/fireworks magazines.
  - 3. A written inventory sheet documenting the date, time, case number, item description, and officer's name and badge number when items are placed into the magazines will be kept by the Station Commander or designee. The storage of ammunition and/or fireworks in the magazine shall be documented in the officer's incident/offense report.
  - 4. A key to substation ammunition/fireworks magazines will be provided to each substation and will be maintained by the Station Commander or designee to allow officers entry into the magazine.
  - 5. Substation ammunition/fireworks magazines will be cleared out by Bomb Squad personnel once every calendar quarter, and one week after July 4<sup>th</sup> and January 1<sup>st</sup> each year.
  - 6. A set of keys to all substation ammunition/fireworks magazines will be maintained by Bomb Squad personnel.
  - 7. Bomb Squad personnel should be called out to the scene to recover any explosives, suspected explosives, corroded, damaged, improvised, or deteriorated ammunition/fireworks, fuels or powders.



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8. Ammunition classified as evidence shall continue to be placed into the Property Room. Fireworks classified as evidence shall be photographed, in accordance with GM Procedure 505, *Misdemeanor Citation Release*, prior to being placed into the ammunition/fireworks magazines.
9. Questions concerning the storage magazines should be made by calling Bomb Squad personnel at 207-7559. After hours, the Bomb Squad can be contacted through the Dispatch Supervisor at 207-7550.

#### **.12 PROPERTY RESTRICTED FROM THE PROPERTY ROOM**

- A. Evidence or other property gathered from the scene of a known or suspected biological, chemical, or nuclear terrorist event. Evidence or other property associated with these events is gathered and maintained by the San Antonio Fire Department's Hazardous Materials Response Team or Arson Unit, or the San Antonio Police Department Bomb Squad.
  1. Unopened suspicious letters are disposed of in accordance with GM Procedure 807, *Terrorism Preparedness*, Subsection .09, *Response for a Suspicious Letter or Package*, and are not placed into the Property Room.
- B. Chemicals, equipment, and paraphernalia used in clandestine laboratories for the manufacture of illegal narcotics. The Narcotics Unit shall be notified of the discovery of suspected clandestine narcotics labs. This unit has personnel specially trained to handle these types of incidents.
- C. Motor vehicles and motor vehicle parts, unless the parts are evidence are impounded at the Vehicle Storage Unit.
- D. The Bomb Squad takes custody of explosives and combustibles. Fireworks and ammunition should be impounded in the substation ammunition/fireworks storage magazines, following the procedures listed in subsection .11 of this procedure. Containers which contain combustibles such as gasoline and butane are impounded at the Vehicle Storage Unit.
- E. Live animals are transported to the Animal Care Services Department by Animal Care Services Department personnel.
- F. Body parts, human or animal, are taken to the Medical Examiner's Office.
- G. Property measuring over eight (8) feet in length/height or weighing over two hundred (200) pounds is taken to the Vehicle Storage Unit.

#### **.13 AFTER HOURS ENTRY INTO PROPERTY ROOM HOLDING AREA**

- A. Entry into the Property Room Holding Area after regular business hours is allowed, provided the authorized members:
  1. Contact the Security Systems Desk using the phone located at the West entrance to the Property Room;
  2. Identify themselves by giving their name, badge number, and any other identifying information required by Security Systems Desk personnel; and
  3. Be responsible for the security of the Holding Area.
- B. Security Systems Desk personnel will maintain a log of after hours entries.

#### **.14 EMERGENCY OPENING OF PROPERTY ROOM AFTER REGULAR BUSINESS HOURS**

Officers/UEDIs and Crime Scene Unit Investigators will contact the Communications Unit Supervisor and request Property Room personnel return to open the property room after regular business hours under the following circumstances:



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- A. Impounded cash is in excess of five thousand (\$5,000) dollars;
- B. Large amounts of weapons are seized and cannot be stored in the provided lockers;
- C. Large amounts of narcotics/controlled substances seized that cannot be stored in the provided lockers;
- D. The volume of impounded property is such it cannot be held in the Holding Area;
- E. A Supervisor determines property is too important to be held in the Holding Area; or
- F. The entrance to the Holding Area is impaired due to mechanical or electrical malfunction.

#### **.15 *RELEASING PROPERTY TO OWNER IN LIEU OF IMPOUNDING***

- A. Property may be released to the owner or his representative at the scene of a recovery under the following circumstances:
  - 1. The property is recovered by the owner or his representative;
  - 2. The property consists of perishable foods or commodities; and
  - 3. The owner can positively identify the property. The method of identification and proof of ownership must be listed in the officer's report.
- B. In felony offenses, property consisting of evidence is processed and photographed by a Crime Scene Unit Investigator prior to release.
- C. In misdemeanor offenses, if an arrest is made or a misdemeanor citation issued, a photograph of the property is obtained prior to releasing the property.
  - 1. If an actor is booked, the photo is attached to the magistrate's copy of the field note offense report.
  - 2. If a misdemeanor citation is issued, the photo is attached to the Municipal Court copy of the misdemeanor citation.
- D. When property is released at the scene, SAPD Form #113-2R, *Release of Property*, (green form) is completed in triplicate. The officer writes the words "FIELD RELEASE" on the form and routes the form as follows:
  - 1. The original to Records Office;
  - 2. A copy to the appropriate investigative follow-up unit; and
  - 3. A copy to the owner of the property. The owner is asked not to dispose of the property until final disposition of the case.

#### **.16 *TEMPORARY WITHDRAWAL OF PROPERTY FROM THE PROPERTY ROOM BY OFFICERS, CRIME SCENE TECHNICIANS AND AUTHORIZED SERVICE AGENTS***

- A. Officers/UEDEs, Crime Scene Unit Investigators and police service agents authorized by their unit supervisor may temporarily withdraw property from the Property Room, for the purposes of presentation in court or for further investigation.
- B. Officers/UEDEs, Crime Scene Unit Investigators and authorized police service agents temporarily withdrawing property from the Property Room will:



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1. Request a temporary release either in person using SAPD Form #113-3, *Temporary Release of Property*, or through the use of WebView request (refer to instructions posted on <http://sapdweb>, “Property Room Instructions”).
2. Provide a copy of a subpoena duces tecum for the property, if applicable.
- C. If temporarily released property is permanently released by a follow-up unit, the detective assigned to the case will forward SAPD Form #113-2R completed, or submit a request through WebView (refer to “Property Room Instructions” posted on <http://sapdweb>).
- D. If temporarily released property is to be used for presentation in a Court, the officer, Crime Scene Unit investigator, or authorized police service agent will only release the property to an employee assigned to the court. The officer, Crime Scene Unit Investigator, or authorized police service agent will complete SAPD Form #113-2R, listing the name of the court to which the property was released. The court employee will sign the form acknowledging receipt of the property. In addition to the normal routing, the releasing officer, Crime Scene Unit Investigator, or authorized police service agent shall ensure the Property Room receives a copy of the release form.
- E. Temporarily released property is returned to the Property Room within fourteen (14) days. If necessary, an approved extension, specifying the additional time required, is submitted to the Property Room supervisor.
- F. Property not returned to the Property Room within the specified time is considered overdue.
  1. When property is overdue, a notice to return the property or submit an approved SAPD Form #113-2R for the property within seven (7) days is sent to the officer, Crime Scene Unit Investigator, or authorized police service agent charged with custody of the property. A copy is sent to the officer’s unit commander; and
  2. If there is no response to the overdue notice within seven (7) days, a second notice is sent to the officer, Crime Scene Unit investigator, or authorized police service agent, with copies to the officer’s unit commander and division commander.

#### **.17 DISPOSITION OF PROPERTY IN PROPERTY ROOM**

- A. Property Disposition Authorization Form:
  1. The Property Disposition Authorization (PDA) Form is a computer-generated form used to communicate between follow-up units and the Property Room for the timely disposition of stored property.
  2. Request for final disposition PDA will be generated through the Property Management System (Evidence on Q) based on statute of limitations for the offense code associated with the case. These requests will be distributed through E-mail in PDF format as follows:
    - a. PDA’s will be distributed on a semi-annual basis to the second level supervisor of the follow-up unit assigned.
    - b. Supervisors will assign the appropriate personnel to research and respond as described below in this procedure.
    - c. Follow-up units will respond to 100% of all Property Disposition Authorizations issued within the pursuing six month period.
    - d. Responses will be tracked by the property room through an accountability report and results will be forwarded to the Commander of each follow-up unit.
  3. Follow-up Units/Detectives complete the PDA by logging on to <http://pswebdev/webview51/Login.aspx>, and submitting a “request” for one of the following:





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- a. “Ok to Destroy”: This allows the property room to dispose of the property in the most appropriate manner.
- b. “Hold”: Respondent *MUST* indicate the period of time for which this item is to be held. A follow-up PDA will be sent at that time.
- c. “Release to Owner”: Respondent *MUST* provide owners Name and ID number in the request comment field. Respondent *MUST* contact the owner.

#### B. Evidence:

Evidence comes under the control of the follow-up unit having case responsibility and is released or disposed of by authority of that follow-up unit in accordance with the Texas Code of Criminal Procedure.

#### C. Found and Recovered Property:

1. Members of the Department are not entitled to any property found by them.
2. Found property, except firearms, may be claimed by the finder after one hundred twenty (120) days, provided the owner is not located and clearance is obtained from a Property Crimes detectives or the Property Room found property officer.
3. Found firearms may be claimed by the finder after one hundred twenty (120) days, provided the owner is not located, the finder has not been convicted of a crime which prohibits them from firearm possession, and clearance has been obtained from the Homicide and Property Crimes Units.

#### D. Personal Property:

1. The Property Room is authorized to release all personal property, except for firearms.
2. Firearms impounded as personal property are releasable only by the Homicide Unit.

#### E. Firearms, regardless of their classification will be released only with supervisory approval through one of the following processes:

1. The Detective assigned to the case must process a request through WebView (refer: //sapdweb “Property Room Instructions”); and
2. SAPD Form #113-2R must be manually completed and placed on file with the Property Room. The form is routed as follows:
  - a. Original to Records Office;
  - b. A copy to the appropriate Investigative follow-up unit, if applicable; and
  - c. A copy to the Property Room.

#### F. Currency classified as evidence that is no longer needed for prosecution and is not the subject of a legal asset seizure procedure may only be released by the detective assigned to the criminal case, with supervisory approval. In his absence, the supervisor assigned to the follow-up unit may also release the currency.

1. Supervisory assignment of PDA’s for review will satisfy the case assignment and requirement.
2. With supervisory approval, the Detective assigned to the case must process the request through Web View (refer://sapdweb“Property Room Instructions”).





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- a. Detectives must record the name, date of birth, and method of identification used to identify the individual. in the remarks section to whom the currency is released along with a brief justification for release.
  - b. A Texas Driver's License, TXID, Military ID, or another form of photo identification (and number) may be used as a method of identification.
3. Currency may be released only by the authority of a supervisor from the follow-up unit with case responsibility.

#### **.18 RIGHT TO REFUSE**

- A. Property / Evidence that is impounded and found to be in violation of Procedure 606 may be rejected for correction.
- B. When items are found to be in violation of Procedure 606 and rejected for correction, they will be placed in a "Return" locker located at 401 S. Frio.
  1. The officer and his/her supervisor will be notified by e-mail of the following:
    - a. Description of the items impounded;
    - b. The violation committed;
    - c. The return locker number in which the items are located; and
    - d. The combination/access code needed to retrieve the items. (This information will be provided only to the officer).
  2. Upon notification, the officer will return to 401 S. Frio on his/her next regular shift, retrieve the property in question and correct the violation.
  3. Once corrected, the property will be placed in a standard intake locker located at 401 S. Frio.
- C. Repeated violations or single severe incidents will be addressed through the chain of command.